

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
April 10, 2023

Planning Commissioners Present: Bill Branigan (*by video*), Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Marjorie Blom.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Vice Chair Berman called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Berman, Hanselman, East, Escobar, Updike, and Blom were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Regular Session Meeting Minutes of March 27, 2023.**

MOTION was made by Commissioner Blom, seconded by Commissioner Updike to approve the Planning Commission Regular Session meeting minutes of March 27, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Action Items.**

A. **File No. 1-CUP-23 / 1-ADJ-23 Final Order and Findings of Fact: Conditional Use Permit and Adjustment to Build a Three Story 47 Room Hotel and 2,626 SF of Ground Floor Commercial on Bay Blvd.**

Tokos reviewed the final order and findings for File No. 1-CUP-23/1ADJ-23. He noted there was a minor change to the final paragraph in the findings of fact to add language that said by denying the conditional use, the adjustment in turn was denied because it relied upon the parking arrangement to tie the pieces together.

MOTION was made by Commissioner Blom, seconded by Commissioner Updike to approve the Final Order and Findings of Facts for File No. 1-CUP-23/1-ADJ-23 with the additional paragraph stated by the Community Development Director. Escobar, Berman, East, Blom and Updike were in approval. Branigan, and Hanselman were in opposition. The motion carried in a voice vote.

B. **File No. 1-NCU-23 Final Order and Findings of Fact: Nonconforming Use Permit to Build a 9-ft Diameter 40-ft Tall Enclosed Flare at the NW Natural LNG Plant.**

MOTION was made by Commissioner Hanselman, seconded by Commissioner Escobar to approve the Final Order and Findings of Facts for File No. 1-NCU-23 with the conditions. The motion carried unanimously in a voice vote.

C. **File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23 Final Order and Findings of Fact: Fisherman's Wharf Tentative 11 Lot Subdivision Plat, Variance, and Geologic Permit.**

MOTION was made by Commissioner Hanselman, seconded by Commissioner Branigan to approve the Final Order and Findings of Facts for File No. 1-SUB-23 / 1-VAR-23 / 2-GP-23 with the conditions. The motion carried unanimously in a voice vote.

4. Public Comment. None were heard.

5. Public Hearings. At 7:07 p.m. Vice Chair Berman opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. Commissioners Hanselman, and Berman reported site visits. Berman called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File No. 2-CUP-23: Application by South Beach Church for a Conditional Use Permit to Build a 19,895 Sq. Ft. Church and 50 Student Private School.

Tokos reviewed the staff report and acknowledged additional public comments that were received. He reported that Bonnie Serkin submitted testimony and requested a continuance of the hearing. Tokos noted the applicant submitted revised imaging for the sign plan. They also submitted updated renderings that were shared with the Commission before the hearing. Tokos noted that written comments were submitted by Al and Jill O' Bright at the hearing.

Tokos reviewed the staff report and criteria for approval of the conditional use permit. Berman asked if Public Works had a chance to review the application and asked if they submitted a letter. Tokos noted they reviewed it and their principal point of focus had to do with the access point and making sure that they were comfortable with how the driveway approach was going to be working. They did not submit a letter. Tokos reviewed the revised site plan. He explained the proposed access wouldn't be over a 10 percent grade and the Fire Department was okay with this. He reviewed the new overflow parking area the applicant proposed that would be built with a reinforced turf surface. Tokos acknowledged the revised sign plans and explained the applicant would have to follow up to make sure the design met the sign code. He noted that there was a threshold for when a traffic analysis would be required. The threshold for an analysis was when 500 average daily vehicle trips or 50 pm peak hour trips were being generated. Tokos explained how the trips were counted based on the Institute of Traffic Engineers trip generator. Based on this manual, the application wasn't required to do a traffic study.

Tokos pointed out the applicant's plans showed a proposed conservation and trail easement, a trail on the north end, and a trail connection. The City's Park System Master Plan called for a trail connection from Chestnut Drive to the north that extended up towards the Wilder subdivision. The applicants were showing how this could be done with potential connections. The church wanted to be a good partner with the community and see that some of this happened. There would be specific standards for the trails that would apply. Berman asked if the easement was a part of the conditions. Tokos explained it was something the city would acquire down the road from the church. They weren't obligated to grant the easement, the city would have to acquire it. Hanselman asked if the easement would be in perpetuity. Tokos confirmed that was correct. Escobar asked if the area north of this property was owned by the city. Tokos confirmed it was owned by the city and was in a wetland. Escobar asked if the property located next to it which was owned by RJ LLC property would be for housing. Tokos explained it was residentially zoned and could be used for housing.

Tokos noted that as far as the concerns about noise, the church engaged noise consultant, Team Wilson Media. They were looking to deal with some of the acoustic issues so there wouldn't be a lot of sound outside of the building. Tokos pointed out that the building the church was currently in wasn't built for church use and had some issues in respect to noise. Escobar asked if the recommendation in Attachment F was drafted by the media consultants and if the consultants were affiliated with the church. Tokos thought they were independent from the church. There would be a housing complex coming in next to it. Tokos thought that with the conditions listed, particularly with respect to addressing their parking needs onsite and following the acoustic consultants recommendations, there wouldn't be any adverse impacts to neighboring properties. He thought the application met the approval criteria.

Hanselman noted under 2.A they submitted a new parking plan that put them up to 250 parking spaces. He didn't think this was designated as required off-street parking and asked if they needed to have one parking space for every four people. The applicant had stated they would have up to 1,000 people which meant they would need 250 parking spaces. Hanselman thought this meant they were now required to have the parking and asked if it needed to be paved. Tokos explained the parking code required one space for every four seats. They met the requirement for paved parking spaces. The Building occupancy under the Fire Code was different and would allow for more people in the building, which would happen only occasionally. Tokos noted that what the city was asking was that they provide overflow parking for this because the church didn't need all the parking on a day to day basis. Berman asked about ADA parking spaces and if what they were providing was sufficient. Tokos confirmed the numbers were sufficient and were based on the Oregon Building Code. Hanselman expressed concerns about what the overflow parking area would be like in heavily rained days.

Applicants: Dustin Capri with Capri Architecture, Tim Gross with Civil West Engineering, and Luke Frechette, with South Beach Church (*by video*) addressed the Commission. Frechette stated he wasn't able to attend in person and expressed how excited the church was for the project. He noted the church shared the same concerns about traffic, parking, light pollution, and sound mitigation. They intended to steward the property well and they were onboard to do anything that needed to be done to make the project happen.

Capri reported he had worked with South Beach Church to find this property since 2014. This property had 12 acres and it was quite large. This made it possible for them to add 91 overflow parking spaces to make sure they were addressing potential concerns with parking. They were looking to have 588 seats in the church. The sanctuary was sized for a full size basketball court and the chairs would be moveable for the school to use. Capri noted that there have been concerns on the acoustics. He explained that acoustics drove the design from the beginning because of the past complaints they had about noise. They designed this building to try to include the sanctuary in the center of the space to help isolate the noise. Capri reported that Team Wilson Media was not associated with the church and was hired to help with the process. They had addressed the noise with a lot of treatments. Capri thought having this be a part of the conditions of approval made sense.

Capri explained that in December of 2022 they submitted an application to annex this property into the city and it received unanimous approval from the Planning Commission to go forward. During the City Council meeting they heard complaints about noise and cutting down trees. Capri explained that they weren't going to cut down the trees. The City Council gave their approval for the annexation at that time. Capri reported they had worked through the jurisdiction process since December and were excited to get this moving forward. He noted the conditional use permit required a notification to property owners within 300 feet. They used the same notification radius

they used for the annexation process to make sure the same people who were a part of this process. Capri noted that the church cared about the Wilder development. He was concerned about the statements about the acoustics. The description they had in their report was very accurate to what was surrounding this piece of property currently. Capri reported that the closest home was over 1,000 feet from the entry of the new entry. This was about five blocks away and a significant distance from the property.

Gross talked about how the site was lower in elevation than the Wilder development. It was 80 to 100 feet lower than Wilder and would help with the sound. Gross reported that they had just thought of doing the overflow parking area that day. The giant overflow parking lot would have reinforced turf to support heavy vehicles, including fire trucks. It will be constructed over a filtration bed and drain to the side so the surface would remain dry all the time and vehicles could drive over it at any time. Gross reported the parking would only be used for overflow and blocked off during normal church operations which was primarily during the weekends. The school would also have drop off times set up so it wouldn't affect traffic. The utilities were already stubbed in off of Chestnut Street. None of the water off the site would go down to 40th Street because it was already draining to the north and they didn't expect that to change. The trail would likely have a storm swale that ran parallel to capture the bulk of the driveway water coming off of it. Gross noted there was also a good amount of distance between the parking lot and the wetlands to the east.

Capri explained they had added 91 parking spaces to the 140 they showed previously. This gave them 238 spaces. Capri reported that the church counted the number of cars that parked during Easter Sunday service, which was an average 140 cars. Capri thought this showed that the adequacy of parking had been demonstrated. The entry to the new church was 250 feet from Harborton Drive which meant that people wouldn't be walking over Harborton to get to the property. Capri noted that they didn't see congestion on Highway 101 during their Sunday services at their current location.

Blom asked if the swales would be a part of the landscaping and allow for water draining onsite. Gross confirmed that was correct.

Berman asked if this development would reduce the trip budget for future development. Tokos explained it would reduce the budget but there were some accommodations already for certain properties such as the industrial property, the Wilder development, and the Community College. There was an ample number of PM peak hours. The trip budget applied to specific geographic area, and the system could handle vehicle trips from these areas within the trip budget. Berman asked if the housing across the street from this property had already been counted. Tokos reported that this property was in a different trip budget zone than the church. Berman asked if they would be short circuiting any future options for other development. Tokos said they wouldn't. Eventually they would have to make updates to the transportation system which would mean they would be running up to the trip cap and would warrant changes to the system. This wasn't an issue currently.

Escobar asked if Team Wilson Media was independent and not church members. Capri confirmed they weren't. Escobar asked if it would be difficult for the church to incorporate the recommendations into the final design. Capri said it wouldn't be difficult but it would be costly for them. Escobar noted that there had been complaints about decibel levels and bass sounds at the existing location that disturbed the neighbors. He asked if Team Wilson Media would try to mitigate this. Capri said they would. Escobar noted in the drawings it showed areas where future offices would be built. He asked if the future offices would have walls already built. Capri explained that the exterior walls would be built, along with a partition wall which would be a sound

wall separating the offices from the sanctuary space. The area would be one big open long space where they could put up additional partition walls and hallways for offices. Escobar asked if the cost for the recommendations from Team Wilson Media would be a deal breaker for the church. Capri said it wouldn't. Escobar asked if the church was committed to incorporate Team Wilson Media's recommendations into the final design. Capri confirmed they were committed to them as long as they were a part of the conditions. Escobar pointed out the stage faced the east and asked if the sound would be projected toward the east or if it would be from all sides. Capri reported that ideally it wouldn't leak at all or would be very minimal from all sides.

Hanselman asked if the Team Wilson Media acoustic rate would be the best sound absorbing materials. Capri noted the combination of the rock wall and soundboard, along with the insulation, had the best impact. Hanselman thought the south wall would be the most likely wall to cause issues with the neighbors. He wondered what they expected the specific decibel reduction to be from the exterior. Hanselman reminded that although the evergreen trees created a buffer, you could still hear the sea lions from the community college. Sound traveled and the trees didn't block as much as someone might think. Hanselman suggested the church ask their congregation to not park on the street and use the parking spaces that would be provided.

Branigan asked if they would have dark sky lighting. Capri confirmed they would. Branigan asked if the large parking lot would have lights on all night or if there would be a break in occurrence. Gross explained that it would be set up with lighting sensors. There would be security lighting on at all times but the parking lot light would be on for special events. Branigan asked if the overflow parking material would be designed so it had gravel sand with turf on top, and a drain pipe. Gross explained it wouldn't be different from designing an agriculture field. It would have a granular level underneath the planting soil, and have a designed surface with pavers that could be planted. Branigan asked if there would be a grade on the overflow or pipes underneath. Gross thought they would have drain tiles. Branigan asked if the structure of the building would be metal, cedar shake, stucco, or cinderblock. Capri reported it would be a steel frame structure with a standing seam metal roof.

Escobar asked if there was a berm in the topography to the north of the building. Capri explained that it was actually a depression. Escobar asked if it was the same on the east. Gross noted that the property went uphill from the west to the east.

Berman asked if they had made adequate measures for security for the school and church. Frechette reported they had a safety team that attended church services and the school.

Hanselman asked what the upper level grades would be at the school. Frechette reported it was sixth to ninth grades. Their goal was to go up to twelfth grade at some point.

Paul Schams addressed the Commission. He was the president of the board for the church. Schams noted that he had lived in Newport since he was one. Through the last 20 years the church had done community outreach and embraced the community to make it better. They intended to continue to serve the community. Schams requested that the Commission not continue the hearing to another date. He thought that Serkin's request for a continuance based on the fact that the people weren't informed wasn't true. The notification was sent out to the community and one of the homes was 1,000 feet away. Berman asked if the Commission was required to do a continuation. Tokos reported that was correct. Schams thought this was an opportunity for a discussion to work through the issues. Escobar asked if the church did their own outreach to Wilder before the hearing. Capri noted Bonnie Serkin was included in the required notifications. Hanselman asked if the church did their own noticing the neighbors. Carpi explained anyone who owned within the 300 feet noticing

area received the notice. Hanselman encouraged the church to sit down with the Wilder community to discuss this. Capri pointed out that the purpose of the hearing was to hear from the neighbors and then be able to respond to their concerns.

Frechette thought that the issues had been addressed and wanted to correct anything that had been a concern with at their current location. He stressed that their current location was on a small parcel and they had been successful with traffic and complaints. The new location was a win for everyone because it got them out of their current building, gave them a place to breath, and addressed some of the concerns.

Proponents: Austin Mentor addressed the Commission. He wanted to see the request approved because the church helped him with sobriety.

Edward Townsend addressed the Commission. He noted the church had a tract record of positively impacting the lives of their members. The new location was the perfect place to continue serving Newport. Townsend thought the school was a high value to the community. They were committed to being environmentally sustainable and they planned to host community events which would have a positive effect on the economy. Townsend thought the acoustical concerns were being taken seriously. They were investing in high quality soundproofing materials and would do regular testing to ensure compliance.

Katie Townsend addressed the Commission. Her children attended the South Beach Christian School and she was the principal. Townsend reported that they made neighborly accommodations at the current school to delay the pickup time and drop off times to help with traffic. They wanted to be great neighbors and hadn't received any complaints at their currently property.

Domingo Gonzalez addressed the Commission. He thought the church wanted to unify and create a benefit for the community. Gonzalez reported that they built a hay wall to try to mitigate the sound concerns at their current location. This showed the church wanted to be a better neighbor to the community.

Amy Gonzalez addressed the Commission. She stated she had been a part of the church for over 20 years. Whenever there were concerns the church always looked to fix them. Gonzalez thought that any concerns from the neighbors would be addressed and taken seriously.

Adam Durkin addressed the Commission and reported he was the pastor at South Beach Church. He was in charge of the mission and recovery programs. During the Otis fires of 2020 they were asked to host families that lost their homes, but couldn't because of the zoning of the property. Durkin noted that they wanted to partner with Wilder and the community college.

Neal Rai addressed the Commission. He was impressed with the good neighbor approach the church took to hire the right people to do the project, even if they weren't involved with the church.

Ted Wilson addressed the Commission. He asked the Commission to give their approval for the request. Wilson was a physician who saw how the church helped people who had addictions. He asked the Commission to take this into account.

Mark Watkins addressed the Commission. He thought the current sound issue was warranted. The church became involved with the Police Chief because of the noise concerns. The police did checks occasionally and the church had been completely proactive by building the hay wall to address the concerns. Watkins reported that there was never a violation of the sound codes. What mattered

was that the neighbors complained and the church always wanted to address it. Watkins reported that everything in the project would be done to code and he was in favor of the project.

Opponents: Dan McLaughlin addressed the Commission. He reported that he was the closest owner to the proposed church. McLaughlin noted that there was only one two lane road up the hills. New dorms would be built across the street, the Wilder community continued to be built, and the community college wanted to put in another building. He asked that the trip numbers be recalculated assuming all these developments went through to get a fuller picture of what would happen. McLaughlin thought the noise proposals sounded good. He requested that a sound requirement be added on the conditional use permit that prohibited the outdoor amplification of sound. He recommended the city have the developers pay for another access road there.

Scotty Fairchild addressed the Commission. He stated that he was a retired landscape ecologist and botanist who was there to represent nature. Fairchild noted the wetlands at this location were one of the most unique bodies of waters in Lincoln County. It went from freshwater springs, transitioned to brackish water, then drained into Yaquina Bay which was salt water. There was an incredible species diversion in the area. Some species were rare and endangered. Fairchild thought a lot of care had been put into the design. He was concerned about the site's drainage, sound, and light mitigation. Fairchild reported that wildlife wouldn't deal with sound and light like people did. He was concerned about the drainage into the wetlands. Fairchild thought the impacts in this case could actually change the diversification of the ecological community in such a way that it would impact it and almost destroy it. Hanselman asked if any environmental impact studies were required. Fairchild didn't know if it needed to be done in this area, but he wanted the church to be aware of this. Tokos confirmed that an environmental impact assessment wasn't required. This would go through the Department of State Lands because it was in the wetland areas. Tokos noted that this project didn't directly impact the wetland physically. He also noted that this project didn't generate enough traffic to warrant construction of an alternative route. The city had an easement from 50th Street that provided secondary access to the entire neighborhood. The system development charges would be used for further road improvements and the church would be paying into this. There were also urban renewal funds available to pay for a stop light at 40th Street. In order to get this signal they needed more vehicle trips on 40th Street to warrant the state approval to implement one. Tokos noted that the church didn't need to do a traffic impact analysis as part of their development.

Rebuttal: Capri reported he talked to Bonnie Serkin and asked her to share the entire staff report with the Wilder neighborhood. He didn't think anybody from the Wilder neighborhood attended the hearing. There were also wasn't anybody in attendance that asked for a hearing continuation. The notice was mailed to Bonnie Serkin 30 days prior to the hearing and the report and plans had been available to them since then. Capri noted the discussion he had with Serkin was that nobody was able to review or comment on the documents. He noted that they received a couple of comments and they responded to them over the previous weekend. The applicant and church members were in attendance at the hearing to answer questions, but nobody from Wilder showed up. Capri was disappointed that they had to continue the hearing without anyone being in attendance. Escobar noted that democracy compelled them to grant a continuation.

Udike asked where the trash enclosure would be located. Capri reported it was on the northwest side against the building and parking lot. Udike asked if there would be night play on the field. Gross reported they didn't know this yet. He didn't think the field would have lights. Frechette didn't see them doing things in the evenings and it wasn't a part of their plans.


Gross noted 40th and Harborton streets had been identified in the Transportation System Plan (TSP). The TSP looked at the overall build out of the transportation systems in Newport and was recently updated. Gross noted that traffic might have to get worse before they could get transportation improvements in the area. He reported that the church wasn't likely to do a phase one environment assessment. Their responsibility as a developer was to be aware of the requirements and restrictions to protect the environment. Gross explained they would identify what those would be and make sure they complied with the law. He also noted that the lighting would be dark sky and would go through a lighting analysis.

Capri asked what the process was if the request for a continuance was granted, and if they applicant had to do another formal presentation. Tokos explained there would be an additional public hearing and they wouldn't have to go through a formal presentation a second time. They would need to make themselves available for responses.

MOTION was made by Commissioner Escobar, seconded by Commissioner Blom to continue the hearing for File No. 2-CUP-23 to the April 24, 2023 meeting. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** None were heard.
9. **Adjournment.** Having no further business, the meeting adjourned at 9:13 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant